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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/998,111 Conf. No.: 4393  
Filing Date: 11/30/2001 Art Unit: 3622  
Applicant: Hubbard et al. Examiner: Duran, Arthur D.  
Title: SYSTEM AND METHOD FOR PRESENTING MARKETING  
CONTENT ON A WEB PAGE Docket No.: CA920000060US1  
(IBMR-0111)

## COMMISSIONER FOR PATENTS

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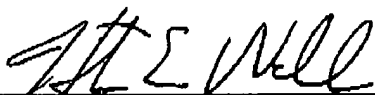
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**BRIEF OF APPELLANTS**

This is an appeal from the Final Rejection dated August 23, 2005, rejecting claims 1-55.

This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

**REAL PARTY IN INTEREST**

International Business Machines Corporation is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

### **STATUS OF CLAIMS**

As filed, this case included claims 1-55. Claims 1-55 remain pending. Claims 1-55 stand rejected and form the basis of this appeal.

### **STATUS OF AMENDMENTS**

Appellants filed an After-Final Response on October 24, 2005. An Advisory Action stating that the Response was considered but did not place the application in condition for allowance was mailed on October 31, 2005. Appellants filed a Pre-Appeal Brief Request for Review on November 18, 2005. A panel decision was rendered on December 5, 2005, ruling that the request was improper. A second Pre-Appeal Brief Request for Review was filed on December 12, 2005. A panel decision affirming the Examiner was rendered on February 24, 2005.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention relates to a system and method for presenting marketing content on a web page, in which web page designers can add marketing content to a web page without being restricted to obtaining such content from a particular source of marketing content, and without concern for the manner in which specific marketing-related data items are selected for presentation on the web page. The invention also provides marketing managers (marketing professionals, marketing content providers) with flexibility in the design of a means for determining how data items should be selected for presentation to individual viewers of the web page without having to be concerned with the details on how the data items will be laid out on the web page.

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Claim 1 claims a system for presenting marketing content on a web page, the system comprising: (a) a web page (see e.g., page 6, lines 1-7; FIG. 1, element 20); (b) a marketing page element placed anywhere on the web page (see e.g., page 6, lines 1-7; FIG. 1, element 60), said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page (see e.g., page 6, lines 11-26; FIG. 1, element 80); and (c) a marketing content selection system connected to said marketing page element, wherein said marketing content selection system is adapted to select said data items to be stored in said marketing page element using a marketing strategy for selecting the marketed item (see e.g., page 8, line 22 through page 9, line 7; FIG. 1, element 100).

Claim 13 claims a method of presenting marketing content on a web page using a marketing page element, the method comprising the steps of: (a) selecting a plurality of data items having marketing content for a marketed item for displaying on the web page, using a marketing strategy for selecting the marketed item, in a marketing content selection system (see e.g., page 6, lines 1-7, page 8, line 22 through page 9, line 7; page 19, lines 1-6; FIG. 1, elements 20, 100; FIG. 3, elements 310 and 320); (b) storing said data items in said marketing page element (see e.g., page 6, lines 1-7; page 19, lines 14-21; FIG. 1, element 60; FIG. 3, element 350); and (c) presenting said data items on said web page, wherein the marketing page element is placed anywhere on the web page (see e.g., page 7, lines 15-25; page 19, line 28 through page 20, line 2; FIG. 1, element 20; FIG. 3, element 370).

Claim 25 claims a computer-readable medium having stored thereon computer-executable instructions for presenting marketing content on a web page using a marketing page element by performing the steps comprising: (a) selecting a plurality of data items having

marketing content for a marketed item for display on the web page using a marketing strategy for selecting the marketed item, in a marketing content selection system (see e.g., page 6, lines 1-7, page 8, line 22 through page 9, line 7; page 19, lines 1-6; FIG. 1, elements 20, 100; FIG. 3, elements 310 and 320); (b) storing said data items in said marketing page element (see e.g., page 6, lines 1-7; page 19, lines 14-21; FIG. 1, element 60; FIG. 3, element 350); and (c) presenting said data items on said web page, wherein the marketing page element is placed anywhere on the web page (see e.g., page 7, lines 15-25; page 19, line 28 through page 20, line 2; FIG. 1, element 20; FIG. 3, element 370).

Claim 39 claims a software product for presenting marketing content on a web page, said software product comprising: (a) a marketing page element placed anywhere on a web page, said marketing page element providing storage for data items having marketing content for a marketed item, said marketing page element connected to the web page adapted to present said data items (see e.g., page 6, lines 1-7; FIG. 1, element 60); and (b) a marketing content selection system connected to said marketing page element, wherein said marketing content selection system is adapted to select said data items to be stored in said marketing page element, using a marketing strategy for selecting the marketed item, wherein the data items are for displaying on the web page (see e.g., page 8, line 22 through page 9, line 7; FIG. 1, element 100).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-9, 11-21, 23-33, 35-47 and 49-55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace (U.S. Patent No. 5,848,396), hereafter "Gerace," in view of Culliss (U.S. Patent No. 6,078,916), hereafter "Culliss."
2. Claims 10, 22, 34 and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

Gerace in view of Culliss and further in view of Petty (U.S. Patent No. 6,342,907), hereafter "Petty."

### ARGUMENT

Appellant submits that claims 1-55 are allowable and respectfully requests reversal of the Final rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Appellants respectfully submit that the Gerace, Culliss and Petty references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. §103(a) is defective.

#### **A. REJECTION OF CLAIMS 1-9, 11-21, 23-33, 35-47 AND 49-55 UNDER 35 U.S.C. §103(a) OVER GERACE IN VIEW OF CULLISS**

In the above referenced Final Office Action, the Examiner alleges, with respect to claims 1, 13, 25 and 39, that Gerace teaches or suggests a marketing page element placed anywhere on the web page, said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page. In support of its allegation, the Office cites figures 2 and 3a of Gerace. Figure 2 of Gerace shows a program 31 having an agate data assembly 71, a user profiling member 73 and an advertisement 09/998,111

module 75. Col. 4, lines 36-47. Figure 2 of Gerace also show a web server 27 having a program controller 79 that "...obtains the necessary information from agate data assembly 71, user profiling member 73, and advertisement module 75 to generate and display appropriate screen views to the user." Col. 4, lines 50-55. Figure 3a of Gerace shows a set of User Objects 37 that provide the functional equivalent of the user profiling member 73, a set of Page Display Objects 35 that provide the functional equivalent of the agate data assembly 71, and a set of Sponsor Objects 33 that provide the functional equivalent of the advertisement module 75. The Office does not specifically indicate which feature or features in figures 2 and 3a of Gerace teach or suggest the marketing page element of the claimed invention. However, none of the elements of the figures cited by the Office includes is both placed on a web page and provides storage for data items having marketing content for a marketed item for displaying on the web page.

The Office further cites, as teaching or suggesting the marketing page element of the claimed invention, portions of Gerace that teach web pages having hyperlinks and forms to be completed by users (col. 1, lines 30-45) and web pages that offer agate information and allow users to look up individual stock quotes (col. 1, lines 60-65). However, although the above passages of Gerace teach web pages, neither of the above passages teaches or suggests an element of the web page for storing marketing content for a marketed item for displaying on the web page. Furthermore, the Office cites portions of Gerace that teach a User Session Object that records date / time; referring link, user identification, and web browser software information upon a log in to program 31 (col. 6, lines 45-52); various Sponsor Objects 33 in which information and desired ads of the sponsor are stored (col. 17, lines 60-67); determining which Ad Objects to display in response to a user request for agate information (col. 16, lines 36-55); displaying a banner in response to a user selecting a "Stock Data" option from a Home Page (col.

14, lines 25-35); displaying advertisements (stored in an advertisement module) in accordance with a psychographic profile of a user (col. 2, lines 24-30); and displaying a customized home page to a user (col. 4, lines 25-30). To this extent, the above passages cited by the Office teach the storage and / or display of data which may include advertising, but does not teach or suggest that the objects into which the data is stored are elements of a web site or that the data to be displayed on a web site is stored in a element of the web site. The Office still further cites a passage of Gerace that teaches allowing a sponsor to update Sponsor and Ad Objects and to add new advertising contracts on line. However, here again Gerace never teaches or suggests that the entered data is stored in an element of the web site.

In response to Applicants arguments with respect to this claimed feature, the Office states that "...while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to." However, Applicants submit that this statement shifts the burden of proof from the Office to Applicants. Specifically, rather than responding to Applicants arguments against the specific portions of the references that the Office claims teach each and every feature of the claimed invention, the Office appears to be requiring Applicants to respond to portions of the reference not specified by the Office that the Office might equate with features of the claimed invention. Applicants interpret this requirement as mandating that they provide a discussion with respect to each and every feature, whether discussed by the Office or not, of the cited references that details why Applicants believe they do not teach or suggest the claimed invention. To this extent, Applicants submit that the Office's statement imposes an unduly burdensome requirement on Applicants.

The Office further states that "...in response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually



where the rejections are based on combinations of references.” Applicants assert that this statement again attempts to shift the burden of proof to Applicants. Specifically, the Office cites specific portions of a single reference, and not a combination of references, as teaching or suggesting certain features of the claimed invention, such as the marketing page element. However, the Office’s statement seems to be an attempt by the Office to include references not specifically cited with respect to a given feature. To this extent, the Office appears to require Applicants to prove why the feature is not taught or suggested by references that are not specifically cited, in addition to responding to the specific reference cited with respect to a particular feature of the claimed invention. Applicants assert that the Office’s requirement places an undue burden on Applicants. To this extent, the Office fails to respond to the substance of alternative arguments presented by the Applicants.

In contrast to Gerace in general, and the cited portions of Gerace in particular, the claimed invention includes, for example, “a marketing page element placed anywhere on the web page, said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page.” Claim 1. As such, the data items as included in the claimed invention have marketing content and are for displaying on a web page. Furthermore, the data items are stored in a marketing page element that is placed anywhere on the web page. The unique placement of the marketing page element on the web page, among other things, allows for the effective separation of tasks relating to the design of the web page and those relating to the design of a means for implementing a marketing strategy to determine what marketing content should be presented on that web page. This is in sharp contrast with the cited portions of Gerace, in which the various features are not taught to be stored in a discrete element of the web page that is placed on the web page, to include data items

to be displayed on the web page, or to have marketing content. Thus, the cited passages in Gerace do not teach a marketing page element as included in the present invention.

In the above referenced Final Office Action, the Examiner alleges that Gerace teaches or suggests that the data items correspond to a marketed item. In the Final Office Action, the Office responds to Applicants' arguments by stating that "[a]n advertisement that results in a purchase is equivalent to presenting data items related to a marketed item such as a product or coupon." Final Office Action, page 18, final par. In support, the Office cites a passage of Gerace that states

In accordance with another aspect of the present invention, there is a module (e.g., advertisement module) that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user, (ii) number of times selected for further information by a user, and/or iii) number of purchases initiated from display of the advertisement to a user." Col. 2, lines 35-42.

However, Applicants assert that the passage of Gerace cited by the Office teaches only the recording of history of users viewing the advertisements and actions taken therefrom, and does not teach or suggest that the data items correspond to a marketed item. In the claimed invention, a marketed item can comprise, for example, a product or a coupon (see, e.g., page 14, lines 3-4 of the specification). This feature of the claimed invention is clearly not shown or suggested by Gerace. In particular, to the extent, if any, that Gerace discloses marketing content, it is limited to advertising banners. Further, the combination of Gerace with Culliss, if proper, fails to rectify this deficiency.

In the above referenced Final Office Action, the Examiner still further alleges that, with respect to claims 4, 16, 28 and 42, Gerace teaches or suggests that the marketing strategy is specified by a business rule in an if - then (action) format. Applicants submit that Gerace, instead, teaches an Ad Series Object that provides an indication of the demographic group pre-

requested by the sponsor to be shown that advertisement. Col. 12, lines 22-27. However, nowhere does Gerace specify that the indication of demographic group is in an if – then (action) format. The present invention, in contrast, includes “...wherein said marketing strategy is specified by a business rule in an if - then (action) format.” Claim 4. As such, the format of the marketing strategy is not unspecified as is the indication of the demographic group as in Gerace, but rather has marketing rules in a if – then (action) format. For the above reasons, the indication of the demographic group in Gerace is not equivalent to the marketing strategy as included in the claimed invention.

**B. REJECTION OF CLAIMS 10, 22, 34 AND 48 UNDER 35 U.S.C. §103(a) OVER GERACE IN VIEW OF CULLISS AND FURTHER IN VIEW OF PETTY**


Applicant initially incorporates the above enumerated arguments with regard to the independent claims from which claims 10, 22, 34 and 48 depend. Additionally, in the above referenced Final Office Action, the Examiner alleges that Petty teaches or suggests a marketing page element that is a Data Bean placed on a web page that is a Java Server Page. In supporting this position, the Office cites portions of Petty that teach a Java programming environment (col. 5, lines 20-25); handling exchange of data between user interface components and one or more Java Beans; and providing for data formatting, handling and validation (col. 9, line 65 through col. 10, line 3). Initially, the Office states that Petty implies the utilization of Java Server pages. However, nowhere in the portions cited by the Office or elsewhere does Petty teach or suggest a web page that is a Java Server Page. Furthermore, Petty never teaches that its Java beans include an element of a web page, such as the marketing page element of the claimed invention, that provides storage for data items having marketing content for displaying on the web site. In contrast, the claimed invention includes “...wherein the marketing page element is a Data Bean, 09/998,111

and wherein said web page is a Java Server Page.” Claim 10. As such, the marketing page element of the claimed invention that is a Data Bean is not taught or suggested by the exchange of data between user interface components and one or more Java data beans of Petty. Furthermore, the web page of the claimed invention that is a Java Server is not taught or suggested by the Java programming environment of Petty.

### CONCLUSION

In summary, Appellant submits that claims 1-55 are allowable because the cited references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Respectfully submitted,

  
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**CLAIMS APPENDIX****Claim Listing:**

1. A system for presenting marketing content on a web page, the system comprising:
  - (a) a web page;
  - (b) a marketing page element placed anywhere on the web page, said marketing page element providing storage for data items having marketing content for a marketed item, wherein the data items are for displaying on the web page; and
  - (c) a marketing content selection system connected to said marketing page element, wherein said marketing content selection system is adapted to select said data items to be stored in said marketing page element using a marketing strategy for selecting the marketed item.
2. The system for presenting marketing content on a web page as claimed in claim 1, wherein said marketing page element comprises a plurality of marketing page element items, and wherein the data items for the marketed item are connected to one of said plurality of marketing page element items.
3. The system for presenting marketing content on a web page as claimed in claim 2, wherein said web page comprises a plurality of web page elements, wherein each of said web page elements is connected to a marketing page element item of said plurality of marketing page element items, and wherein each of said web page elements is used to present a data item connected to said marketing page element item.
4. The system for presenting marketing content on a web page as claimed in claim 1, wherein said marketing strategy is specified by a business rule in an if - then (action) format.
5. The system for presenting marketing content on a web page as claimed in claim 4, wherein the marketing content selection system determines data items to be stored in said marketing page element based on a combination of information displayed on the web page and information available to said marketing content selection system pertaining to the person viewing the web page.
6. The system for presenting marketing content on a web page as claimed in claim 1 further comprising a marketing content retrieval system connected to said marketing page element, said marketing content retrieval system adapted to provide said data items to said marketing page element for storage in said marketing page element.
7. The system for presenting marketing content on a web page as claimed in claim 6, wherein the marketing content retrieval system comprises a first source of data items, wherein data items are retrieved from said first source of data items for subsequent storage in said marketing page element, said first source of data items comprising at least one of the following: a database, a data stream, a storage device, a memory device.
8. The system for presenting marketing content on a web page as claimed in claim 7, wherein each data item in said first source of data items comprises one of the following: text, an image,

an audio file, a video file, a movie, a document, a hyperlink, an animation, an object capable of accepting input, an object capable of presenting output.

9. The system for presenting marketing content on a web page as claimed in claim 8, wherein the marketing content retrieval system is further adapted to provide at least one data item to said marketing page element from a pre-determined second source of data items in the event that at least one data item to be stored in said marketing page element as determined by the marketing content selection system cannot be retrieved from the first source of data items.

10. The system for presenting marketing content on a web page as claimed in claim 1, wherein the marketing page element is a Data Bean, and wherein said web page is a Java Server Page.

11. The system for presenting marketing content on a web page as claimed in claim 1, wherein the marketing content selection system comprises at least one of the following components: a rules processing engine, a table, a collaborative filtering engine, a selection program.

12. The system for presenting marketing content on a web page as claimed in claim 3 further comprising at least one of the following:

(i) a first set of tools for making modifications to the manner in which the marketing content selection system determines the data items to be stored in said marketing page element, wherein the modifications can be effected without changing either the layout of said web page elements on said web page or said data items;

(ii) a second set of tools for making modifications to said data items, wherein the modifications can be effected without changing either the layout of said web page elements on said web page or the manner in which the marketing content selection system determines the data items to be stored in said marketing page element; and

(iii) a third set of tools for making modifications to the layout of said web page elements on said web page, wherein the modifications can be effected without changing either said data items or the manner in which the marketing content selection system determines the data items to be stored in said marketing page element.

13. A method of presenting marketing content on a web page using a marketing page element, the method comprising the steps of:

(a) selecting a plurality of data items having marketing content for a marketed item for displaying on the web page, using a marketing strategy for selecting the marketed item, in a marketing content selection system;

(b) storing said data items in said marketing page element; and

(c) presenting said data items on said web page, wherein the marketing page element is placed anywhere on the web page.

14. The method as claimed in claim 13, wherein said marketing page element comprises a plurality of marketing page element items, and wherein the data items for the marketed item are connected to one of said plurality of marketing page element items.

15. The method as claimed in claim 14, wherein said web page comprises a plurality of web page elements, wherein each of said web page elements is connected to a marketing page element item

of said plurality of marketing page element items, and wherein each of said web page elements is used to present a data item connected to said marketing page element item.

16. The method as claimed in claim 13, wherein said marketing strategy is specified by a business rule in an if - then format.

17. The method as claimed in claim 16, wherein the selecting of data items in step (a) is based on a combination of information displayed on the web page and information pertaining to the person viewing the web page.

18. The method as claimed in claim 13 further comprising between steps (a) and (c), the step of retrieving data items selected in step (a) from a marketing content retrieval system, said marketing content retrieval system adapted to provide data items to said marketing page element.

19. The method as claimed in claim 18, wherein said marketing content retrieval system comprises a first source of data items, wherein data items are retrieved from said first source of data items for subsequent storage in said marketing page element, said first source of data items comprising at least one of the following: a database, a data stream, a storage device, a memory device.

20. The method as claimed in claim 19, wherein each data item in said first source of data items comprises one of the following: text, an image, an audio file, a video file, a movie, a document, a hyperlink, an animation, an object capable of accepting input, an object capable of presenting output.

21. The method as claimed in claim 20, wherein the method also comprises the step of retrieving at least one data item from a second source of data items when at least one of said plurality of selected data items cannot be retrieved from said first source of data items.

22. The method as claimed in claim 13, wherein said marketing page element is a Data Bean, and wherein said web page is a Java Server Page.

23. The method as claimed in claim 13, wherein the selecting of data items in step (a) is performed by at least one of the following components: a rules processing engine, a table, a collaborative filtering engine, a selection program.

24. The method as claimed in claim 15 wherein the method further comprises at least one of the following steps:

(i) making modifications to the manner in which the selecting of data items in step (a) is made, wherein the modifications can be effected without changing either the layout of the web page elements on the web page or said data items;

(ii) making modifications to said data items, wherein the modifications can be effected without changing either the layout of the web page elements on the web page or the manner in which the selecting of data items in step (a) is made; and

(iii) making modifications to the layout of the web page elements on the web page, wherein the modifications can be effected without changing either said data items or the manner in which the selecting of data items in step (a) is made.

25. A computer-readable medium having stored thereon computer-executable instructions for presenting marketing content on a web page using a marketing page element by performing the steps comprising:

- (a) selecting a plurality of data items having marketing content for a marketed item for display on the web page using a marketing strategy for selecting the marketed item, in a marketing content selection system;
- (b) storing said data items in said marketing page element; and
- (c) presenting said data items on said web page, wherein the marketing page element is placed anywhere on the web page.

26. The computer-readable medium as claimed in claim 25, wherein said marketing page element comprises a plurality of marketing page element items, and wherein the data items for the marketed item are connected to one of said plurality of marketing page element items.

27. The computer-readable medium as claimed in claim 26, wherein said web page comprises a plurality of web page elements, wherein each of said web page elements is connected to a marketing page element item of said plurality of marketing page element items, and wherein each of said web page elements is used to present a data item connected to said marketing page element item.

28. The computer-readable medium as claimed in claim 25, wherein said marketing strategy is specified by a business rule in an if - then format.

29. The computer-readable medium as claimed in claim 28, wherein the selecting of data items in step (a) is based on a combination of information displayed on the web page and information pertaining to the person viewing the web page.

30. The computer-readable medium as claimed in claim 25 further comprising between steps (a) and (c), the step of retrieving data items selected in step (a) from a marketing content retrieval system, said marketing content retrieval system adapted to provide data items to said marketing page element.

31. The computer-readable medium as claimed in claim 30, wherein said marketing content retrieval system comprises a first source of data items, wherein data items are retrieved from said first source of data items for subsequent storage in said marketing page element, said first source of data items comprising at least one of the following: a database, a data stream, a storage device, a memory device.

32. The computer-readable medium as claimed in claim 31, wherein each data item in said first source of data items comprises one of the following: text, an image, an audio file, a video file, a movie, a document, a hyperlink, an animation, an object capable of accepting input, an object capable of presenting output.



33. The computer-readable medium as claimed in claim 32, wherein the step of retrieving at least one data item from a second source of data items when at least one of said plurality of selected data items cannot be retrieved from said first source of data items is also performed.

34. The computer-readable medium as claimed in claim 25, wherein said marketing page element is a Data Bean, and wherein said web page is a Java Server Page.

35. The computer-readable medium as claimed in claim 25, wherein the selecting of data items in step (a) is performed by at least one of the following components: a rules processing engine, a table, a collaborative filtering engine, a selection program.

36. The computer-readable medium as claimed in claim 27 wherein at least one of the following steps is also performed:

(i) making modifications to the manner in which the selecting of data items in step (a) is made, wherein the modifications can be effected without changing either the layout of the web page elements on the web page or said data items;

(ii) making modifications to said data items, wherein the modifications can be effected without changing either the layout of the web page elements on the web page or the manner in which the selecting of data items in step (a) is made; and

(iii) making modifications to the layout of the web page elements on the web page, wherein the modifications can be effected without changing either said data items or the manner in which the selecting of data items in step (a) is made.

37. A computer program comprising computer program code means adapted to perform all the steps of claim 13 when said program is run on a computer.

38. A computer program as claimed in claim 37 embodied on a computer readable medium.

39. A software product for presenting marketing content on a web page, said software product comprising:

(a) a marketing page element placed anywhere on a web page, said marketing page element providing storage for data items having marketing content for a marketed item, said marketing page element connected to the web page adapted to present said data items; and

(b) a marketing content selection system connected to said marketing page element, wherein said marketing content selection system is adapted to select said data items to be stored in said marketing page element, using a marketing strategy for selecting the marketed item, wherein the data items are for displaying on the web page.

40. The software product as claimed in claim 39, wherein said marketing page element comprises a plurality of marketing page element items, and wherein the data items for the marketed item are connected to one of said plurality of marketing page element items.

41. The software product as claimed in claim 40, wherein said web page comprises a plurality of web page elements, wherein each of said web page elements is connected to a marketing page

element item of said plurality of marketing page element items, and wherein each of said web page elements is used to present a data item connected to said marketing page element item.

42. The software product as claimed in claim 39, wherein said marketing strategy is specified by a business rule in an if - then format.

43. The software product as claimed in claim 42, wherein the marketing content selection system determines data items to be stored in said marketing page element based on a combination of information displayed on the web page and information available to said marketing content selection system pertaining to the person viewing the web page.

44. The software product as claimed in claim 39 further comprising a marketing content retrieval system connected to said marketing page element, said marketing content retrieval system adapted to provide said data items to said marketing page element for storage in said marketing page element.

45. The software product as claimed in claim 44, wherein the marketing content retrieval system comprises a first source of data items, wherein data items are retrieved from said first source of data items for subsequent storage in said marketing page element, said first source of data items comprising at least one of the following: a database, a data stream, a storage device, a memory device.

46. The software product as claimed in claim 45, wherein each data item in said first source of data items comprises one of the following: text, an image, an audio file, a video file, a movie, a document, a hyperlink, an animation, an object capable of accepting input, an object capable of presenting output.

47. The software product as claimed in claim 46, wherein the marketing content retrieval system is further adapted to provide at least one data item to said marketing page element from a pre-determined second source of data items in the event that at least one data item to be stored in said marketing page element as determined by the marketing content selection system cannot be retrieved from the first source of data items.

48. The software product as claimed in claim 39, wherein the marketing page element is a Data Bean, and wherein said web page is a Java Server Page.

49. The software product as claimed in claim 39, wherein the marketing content selection system comprises at least one of the following components: a rules processing engine, a table, a collaborative filtering engine, a selection program.

50. The software product as claimed in claim 41 further comprising at least one of the following:  
(i) a first set of tools for making modifications to the manner in which the marketing content selection system determines the data items to be stored in said marketing page element, wherein the modifications can be effected without changing either the layout of said web page elements on said web page or said data items;

(ii) a second set of tools for making modifications to said data items, wherein the modifications can be effected without changing either the layout of said web page elements on said web page or the manner in which the marketing content selection system determines the data items to be stored in said marketing page element; and

(iii) a third set of tools for making modifications to the layout of said web page elements on said web page, wherein the modifications can be effected without changing either said data items or the manner in which the marketing content selection system determines the data items to be stored in said marketing page element.

51. A computer program product comprising:

a computer-readable signal-bearing medium;

means in said medium for accomplishing the method of any of claims 13 to 24.

52. The product of claim 51 wherein said medium is a recordable data storage medium.

53. The product of claim 51 wherein said medium is a modulated carrier signal.

54. The product of claim 53 wherein said signal is a transmission over a network.

55. The product of claim 54 wherein said network is the Internet.

## **EVIDENCE APPENDIX**

**No evidence is entered and relied upon in the appeal.**

## **RELATED PROCEEDINGS APPENDIX**

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.